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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,779	10/03/2003	Gaston S. Ormazabal	Verizon-39	3413

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EXAMINER

TSAI, CAROL S W

ART UNIT .PAPER NUMBER

2857

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,779

Applicant(s)

ORMAZABAL ET AL.

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-17, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 6-8 and 18-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 9, 10, 13, 14, 15, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication 2003/0093563 to Young et al. in view of U. S. Publication 2004/0208186 to Eichen et al.

With respect to claims 1, 2, 5, 9, 10, 13, 14, 15, 25, and 26, Young et al. disclose a method of operating a communications network including a firewall comprising the steps of: monitoring delays associated with the closing of ports corresponding to communications sessions following the termination of said communications sessions as indicated by session control signals (see paragraphs 0007 and 0061).

Young et al. do not disclose generating an alert signal when a monitored closing delay exceeds a preselected threshold.

Eichen et al. teach generating an alert signal when a monitored closing delay exceeds a preselected threshold (see paragraph 0045).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Young et al.'s method to include generating an alert signal when a monitored closing delay exceeds a preselected threshold, as taught by Eichen et al., in order to allow the administrator to configure the failure threshold beyond which an alarm is broadcast.

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3. Claims 3, 4, 11, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. in view of Eichen et al. as applied to claims 1, 2, 9, 10, 14, and 15 above, and further in view of U. S. Publication 2004/0136379 to Liao et al.

As noted above, with respect to claims 3, 4, 11, 12, 16, and 17, Young et al. in combination with Eichen et al. teach all the features of the claimed invention, but do not disclose adjusting network routing to reduce the load on the firewall system which triggered said alarm signal.

Rao et al. teach adjusting network routing to reduce the load on the firewall system which triggered said alarm signal (see paragraphs 0059 and 0100).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Young et al. in combination with Eichen et al.'s method to include adjusting network routing to reduce the load on the firewall system which triggered said alarm signal, as taught by Rao et al., in order that network performance can be improved.

Allowable Subject Matter

4. Claims 6-8 and 18-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Katz et al. disclose a method for providing communications network security can include receiving a round-trip network latency for a client specifying an open port duration.

Edmison et al. disclose a method which involving inserting probe packets on a per service basis for transmission on a respective round trip; and for each service using the probe packets to calculate packet latency for probe packets which is representative of packet latency for all packets transmitted for the service.

Carlucci et al. disclose a technique being implemented to effectively receive streaming multimedia content in digital form, parse and segment the received transport stream and process the segmented content.

Marejka et al. disclose a system and method for throttling transmissions of gathered computer system monitoring and asset data within a customer's communications network.

Loge et al. disclose task management method for a packet switch routing automaton forming part of a secured packet-switching transmission network.

Sim et al. disclose large payload files beings electively partitioned in blocks and the blocks distributed to a plurality of distribution stations at the edge of the network qualified to have the data.

Larson et al. a technique for establishing a secure communication link between a first computer and a second computer over a computer network.

Haddock et al. disclose a repeater in a LAN maintaining a count of collisions and retransmission attempts for each node coupled to the repeater since that node's last successful packet transmission.

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Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Patent Examiner
Art Unit 2857

12/23/04